

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

and

CHILDREN'S MEDICAL CENTER
CORPORATION,

*Plaintiffs/
Counterclaim Defendants,*

V.

SHIRE PHARMACEUTICALS, INC.

and

SHIRE REGENERATIVE MEDICINE, INC.,

*Defendants/
Counterclaim Plaintiffs*

Civil Action No. 13-cv-10020-MLW

**DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL CERTAIN
EXHIBITS TO THEIR OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIMS REGARDING THE '417 PATENT**

Pursuant to Local Rule 7.2 and Paragraph 17 of the Protective Order, Dkt. 60, Defendants Shire Pharmaceuticals, Inc. (now known as Shire Pharmaceuticals LLC) (“Shire Pharmaceuticals”) and Shire Regenerative Medicine, Inc. (“SRM”) (collectively, the “Defendants”) hereby move this Court for an Order allowing them to file under seal certain exhibits to their Opposition to Plaintiffs’ Motion to Dismiss Defendants’ Counterclaims Regarding the ’417 Patent. Certain exhibits contain information that SRM designated “Confidential” or “Highly Confidential” in accordance with the Protective Order. Defendants

request that these exhibits be impounded until sixty days following the entry of final judgment, and then returned to counsel for Defendants.

Defendants have conferred with counsel for Plaintiffs by e-mail, and Plaintiffs do not oppose the relief sought in this Motion. Pursuant to the Protective Order and Local Rule 7.2, Defendants will serve by e-mail a copy of any sealed filings in advance of the Court's ruling on this Motion. Dkt. 60 at ¶ 17.

WHEREFORE, Defendants respectfully request that the Court allow this motion and permit Defendants to file certain exhibits to their Opposition to Plaintiffs' Motion to Dismiss Defendants' Counterclaims Regarding the '417 Patent under seal.

Respectfully submitted,

Dated: September 23, 2014

By: /s/ Jonathan A. Herstoff

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*Counsel for Defendants Shire Pharmaceuticals LLC
and Shire Regenerative Medicine, Inc.*

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Jonathan A. Herstoff, hereby certify that counsel for the parties conferred in an effort to resolve or narrow the issues presented in this motion prior to filing, and that Plaintiffs do not oppose the relief requested in this Motion.

/s/ Jonathan A. Herstoff

CERTIFICATE OF SERVICE

I, Jonathan A. Herstoff, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 23, 2014.

/s/ Jonathan A. Herstoff